

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

C.A. No. 04-312L

JEFFREY DERDERIAN, et al.,
Defendants.

ESTATE OF JUDE B. HENAUT, et al.,
Plaintiffs,

vs.

C.A. No. 03-483L

AMERICAN FOAM CORPORATION, et al.,
Defendants.

**PLAINTIFFS¹ MOTION TO ACCEPT THE REPORT AND RECOMMENDATION
OF SPECIAL MASTER POORE AND APPROVE MINORS' SETTLEMENTS IN
EXCESS OF \$10,000 AND AUTHORIZE SETTLEMENT OF MINORS'
SETTLEMENTS OF \$10,000 OR LESS TO BE FINALIZED PURSUANT TO
R.I.G.L. § 33-15.1-1**

Plaintiffs in all of the consolidated Station Fire civil actions hereby respectfully move that this Court (a) accept the Report and Recommendation of Special Master William A. Poore Relating To Settlement of Minors' Claims, (b)

¹ All Plaintiffs represented by all counsel in all actions as indicated by the signatures of counsel and in the following cases of Gray, et al. v. Derderian, et al., C.A. No. 04-312L; Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L; Passa, et al. v. Derderian, et al., C.A. No. 03-148L; Kingsley, et al. v. Derderian, et al., C.A. No. 03-208L; Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L; (Guindon, et al. v. Leggett & Platt, Inc., et al., C.A. No. 07-366L consolidated with Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L); Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L; Roderiques, et al. v. American Foam Corp., et al., C.A. No. 04-026L; Sweet, et al. v. American Foam Corp., et al., C.A. No. 04-056L; Paskowski, et al. v. Derderian, et al., C.A. No. 05-002L; Kolasa v. American Foam Corp., et al., C.A. No. 05-070L; Long v. American Foam Corporation, C.A. No. 06-047L; Malagrino v. American Foam Corp., et al., C.A. No. 06-002L; and Gonsalves v. Derderian, et al., C.A. No. 06-076L.

approve all minors' settlements in excess of \$10,000 and (c) authorize settlement of minors' settlements of \$10,000 or less to be finalized pursuant to R.I.G.L. § 33-15.1-1.

A memorandum in support of this Motion is being filed contemporaneously herewith.

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,
By their Attorneys,

/s/ Max Wistow

/s/ John P. Barylick

Max Wistow, Esq. (#0330)
John P. Barylick, Esq. (#1907)
Wistow & Barylick Incorporated
61 Weybosset Street
Providence, RI 02903
Tel.: 401-831-2700
Fax: 401-272-9752
[email: mw@wistbar.com]
[email: jp@wistbar.com]

Plaintiffs #1 through #11, inclusive, #12b, #13a, b, and c, #14 through #16, inclusive, #80 through #132, inclusive, #222; #223, and #242 through #248, inclusive,
By their Attorneys,

/s/ Patrick T. Jones

/s/ Peter J. Schneider

Patrick T. Jones, Esq. (#6636)
Peter J. Schneider, Esq. (#6834)
Cooley Manion Jones LLP
21 Custom House Street
Boston, MA 02110
Tel.: 617-737-3100
Fax: 617-737-3113

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,
By their Attorney,

/s/ Mark S. Mandell

Mark S. Mandell, Esq. (#0502)
Mandell, Schwartz & Boisclair, Ltd.
One Park Row
Providence, RI 02903
Tel.: 401-273-8330
Fax: 401-751-7830
[email: msmandell@msn.com]

Plaintiffs #65b, #71 through #75, inclusive, #197 through #214, inclusive, #224; #234 through #237, inclusive, #260 through #262, inclusive, #265 and #266,
By their Attorney,

/s/ Michael A. St. Pierre

Michael A. St. Pierre, Esq. (#2553)
Revens, Revens & St. Pierre, P.C.
946 Centerville Road
Warwick, RI 02886
Tel.: 401-822-2900
Fax: 401-826-3245
[email: mikesp@rrsplaw.com]

[email: pjones@cmjlaw.com]
[email: pschneider@cmjlaw.com]

Plaintiffs #64, #65a, #66 through #68, inclusive, #192 through #195 inclusive, and #241,
By their Attorney,

/s/ Stephen E. Breggia
Stephen E. Breggia, Esq. (#2865)
Breggia, Bowen & Grande
395 Smith Street
Providence, RI 02908
Tel.: 401-831-1900
Fax: 401-831-0129
[email: sbreggia@bbglaw.us]

Plaintiffs #69; #70; #196, #249, and #250,
By their Attorney,

/s/ Eva-Marie Mancuso
Eva-Marie Mancuso, Esq. (#3564)
Hamel, Waxler, Allen & Collins
387 Atwells Avenue
Providence, RI 02909
Tel.: 401-455-3800
Fax: 401-455-3806
[email: emancuso@hwac.com]

Plaintiffs Tammy Passa, et al.,
Andrew Paskowski, et al.,
Estate of Jude B. Henault, et al.,
Ronald Kingsley, et al., and
Katrina Kolasa, et al.,
By their Attorney,

/s/ Ronald J. Resmini
Ronald J. Resmini, Esq. (#0848)
Resmini Law Office, Ltd.
155 South Main Street, Suite 400
Providence, RI 02903
Tel.: 401-751-8855
Fax: 401-737-6464
[email: resminilaw@yahoo.com]

Plaintiffs #12a, #76 through #79, inclusive, #215 through #221, inclusive, #238, #258, #259, #263, and #264,
By their Attorney,

/s/ Steven A. Minicucci
Steven A. Minicucci, Esq. (#4155)
Calvino Law Associates
373 Elmwood Avenue
Providence, RI 02907
Tel.: 401-785-9400
Fax: 401-941-1550
[email: sminicucci@calvinolaw.com]

Plaintiffs #191 and #239,
By their Attorney,

/s/ Charles N. Redihan, Jr.
Charles N. Redihan, Jr., Esq. (#1810)
Kiernan, Plunkett & Redihan
91 Friendship Street
Providence, RI 02903
Tel.: 401-831-2900
Fax: 401-331-7123
[email: credihan@kprlaw.com]

Plaintiffs Estate of Jude B. Henault, et al.,
Estate of Melvin Gerfin, et al.,
Estate of Samuel A. Miceli, et al.,
William Long, et al.,
David Malagrino, et al., and
Nancy Noyes, et al.,
By their Attorney,

/s/ Robert I. Reardon
Robert I. Reardon, Esq.
The Reardon Law Firm, P.C.
160 Hempstead Street
P.O. Drawer 1430
New London, CT 06320
Tel.: 860-442-0444
Fax: 860-444-6445
[email: reardonlaw@aol.com]

Plaintiffs Estate of Jude B. Henault, et al.
and Katrina Kolasa, et al.,
By their Attorney,

/s/ Ralph J. Monaco
Ralph J. Monaco, Esq.
Conway & Londregan, P.C.
38 Huntington Street
P.O. Box 1351
New London, CT 06320
Tel.: 860-447-3171
[email: rmonaco.c-1@snet.net]

Plaintiffs George Guindon, et al.,
Linda Roderiques, et al. and
Charles and Carol Sweet, et al.,
By their Attorney,

/s/ Brian R. Cunha
Brian R. Cunha, Esq.
Brian Cunha & Associates
311 Pine Street
Fall River, MA 02720
Tel.: 508-675-9500
Fax: 508-679-6360

[email: brian@briancunha.com]

Plaintiffs Neil Gonsalves, et al.,
By their Attorney,

/s/ Russell Bramley

Russell Bramley, Esq. (#1781)
Haronian, Bramley & Harrington, LLP
Centerville Commons
875 Centerville Road
Warwick, RI 02886
Tel.: 401-615-2886
[email: rbramley@hbhllaw.net]

CERTIFICATION

I hereby certify that an exact copy of the within document was electronically submitted to the Electronic Case Filing System of the United States District Court for its distribution to all counsel of record and a copy was electronically mailed to *pro se* defendant on this 11th day of December, 2009.

Andrew A. Beerworth, Esq.	abeerworth@morrisonmahoney.com
Andrew J. Trevelise, Esq.	atrevelise@reedsmith.com
Ann Songer, Esq.	stationfire@shb.com
Anthony F. DeMarco, Esq.	tdemarco@conversent.net
B. Jon Enciso	jenciso@legalmgt.com
Benjamin V. White, III, Esq.	bwhite@vetterandwhite.com
Bennett R. Gallo, Esq.	brg@ndgrb.com
Brian Cunha, Esq.	brian@Briancunha.com
Bruce P. Keller, Esq.	bkeller@debevoise.com
Bruce G. Tucker, Esq.	btucker@legalmgt.com
C. Russell Bengtson, Esq.	rbengtson@ckmlaw.com
Carl A. Henlein, Esq.	chenlein@fbtlaw.com
Charles Babcock, Esq.	cbabcock@jw.com
Charles N. Redihan, Jr., Esq.	credihan@kprlaw.com
Christopher C. Fallon, Jr., Esq.	cfallon@cozen.com
Daniel Horgan, Esq.	horganlaw@snet.net
Daniel P. McKiernan, Esq.	danielpmckiernan@yahoo.com
David D. Langfitt, Esq.	dlangfitt@mmwr.com
David E. Maglio, Esq.	dmaglio@magliolaw.com
David T. Mitrou, Esq.	dmitrou@mccormackfirm.com
David A. Wollin, Esq.	dwollin@apslaw.com

Denean M. Russo, Esq.	drusso@mwdgllaw.com
Dennis J. Roberts, II, Esq.	droberts@djrlaw.com
Donald J. Maroney, Esq.	dmaroney@kkrslaw.com
Earl H. Walker, Esq.	ewalker@jw.com
Edward M. Crane, Esq.	ecrane@skadden.com
Edward T. Hinchey, Esq.	ehinchey@sloaneWalsh.com
Edwin F. McPherson, Esq.	emcpherson@m-klaw.com
Eric B. DiMario, Esq.	edimario@gunninglafazia.com
Eric Bradford Hermanson, Esq.	ehermanson@choate.com
Esquire Litigation Solutions LLC	stationfire@esquirecom.com
Eva Marie Mancuso, Esq.	emancuso@hwac.com
Fred A. Kelly, Jr., Esq.	stationfirelitigation@nixonpeabody.com
George E. Wolf, III, Esq.	stationfire@shb.com
Henry M. Swan, Esq.	hms@dksblaw.com
Howard Julian	sohohomes@yahoo.com
Howard A. Merten, Esq.	hm@psh.com
J. Renn Olenn, Esq.	mkd@olenn-penza.com
James K. Archibald, Esq.	jima@wmtburnett.com
James A. Bigos, Esq.	jim@b-plaw.com
James S. D'Ambra, Esq.	ricedolan@ricedolan.com
James E. Kelleher, Esq.	jamesk@rrsplaw.com
James R. Lee, Esq.	jlee@riag.ri.gov
James C. Martin, Esq.	jmartin@reedsmith.com
James T. Murphy, Esq.	stationfire@hansoncurran.com
James H. Reilly, III, Esq.	jreilly@kkrslaw.com
James J. Restivo, Jr., Esq.	jrestivo@reedsmith.com
James A. Ruggieri, Esq.	jruggieri@hcc-law.com
Jennifer A. Creedon, Esq.	stationlitigation@cetcap.com
John H. Brooke, Esq.	jbrooke@brookemawhorr.com
John A. Caletri, Esq.	jcaletri@melicklaw.com
John R. Crockett, III, Esq.	jcrockett@fbtlaw.com
John J. Doody, Esq.	doody@lbbslaw.com
John J. Flanagan, Esq.	jflanagan@torti.com
John G. Hines, Esq.	hines-patz@conversent.net
John R. Mahoney, Esq.	johnmahoney@amlawllp.com
John F. Murphy, Esq.	stationfire@shb.com
John J. Nazzaro, Esq.	attynazzaro@aol.com
Joseph H. Aronson, Esq.	jaronson@mccormackfirm.com
Joseph J. Bellew, Esq.	jbellew@cozen.com
Joseph B. Burns, Esq.	jburns@rms-law.com
Joseph V. Cavanagh, Jr., Esq.	stationfire@blishcavlaw.com
Joseph Krowski, Esq.	josephkrowski.law@verizon.net
Josh M. Greenbaum, Esq.	jgreenbaum@cozen.com
Kate B. Harden, Esq. for J. Renn Olenn	kbh@olenn-penza.com
Karen A. Alegria, Esq.	karen@Briancunha.com
Karen K. Corcoran, Esq.	karen@desistolaw.com
Kathleen C. Henry, Esq.	khenry@choate.com
Kathleen M. Daniels, Esq.	kathleen@desistolaw.com
Kelly N. Michels, Esq.	stationfire@hansoncurran.com

Kevin F. Bowen, Esq.	kbowen@bbglaw.us
Kevin R. Powers, Esq.	kpowers@cetcap.com
Kim M. Clarke, Esq.	kclarke@nixonpeabody.com
Kyle E. Bjornlund, Esq.	kbjornlund@cetcap.com
Lauren D. Wilkins, Esq.	lwilkins@smithbrink.com
Lawrence J. Cappuccio, Esq.	l.cappuccio@worldnet.att.net
Lawrence G. Cetrulo, Esq.	stationlitigation@cetcap.com
Lisa A. Pinsonneault, Esq.	lpinsonneault@straussfactor.com
Marc DeSisto, Esq.	stationfire@desistolaw.com
Mark D. Cahill, Esq.	mcahill@choate.com
Mark P. Dolan, Esq.	ricedolan@ricedolan.com
Mark Hadden, Esq.	mhadden@mhaddenlaw.com
Mark S. Mandell, Esq.	msmandell@msn.com
Mark T. Nugent, Esq.	mnugent@morrisonmahoney.com
Mark Parsky, Esq.	mep@mcveyparsky-law.com
Mark T. Reynolds, Esq	mtreynolds@conversent.net
Mark R. Ter Molen, Esq.	mtermolen@mayerbrownrowe.com
Mark D. Tourgee, Esq.	aminchillo@itwlaw.com
Matthew F. Medeiros, Esq.	mfm@lmkbw.com
Meghan H. Sullivan, Esq.	meghan.sullivan@lw.com
Michael A. DeSisto, Esq.	michael@desistolaw.com
Michael R. DeLuca, Esq.	mrd@gsm-law.com
Michael J. Mazurczak, Esq.	stationlitigation@melicklaw.com
Michael J. McCormack, Esq.	mmccormack@mccormackfirm.com
Michael Potenza, Esq.	mpotenza@debevoise.com
Michael A. St. Pierre, Esq.	mikesp@rrsplaw.com
Michael G. Sarli, Esq.	mgs@gsm-law.com
Nancy W. Hamilton, Esq.	nhamilton@jw.com
Nicholas B. Kosiavelon, Esq.	nkosiavelon@BMCattorneys.com
Patrick T. Jones, Esq.	pjones@cmjlaw.com
Paul Sullivan, Esq.	pvsullivan@morrisonmahoney.com
Peter Resnik, Esq.	presnik@mwe.com
Peter Schneider, Esq.	pschneider@cmjlaw.com
Rajaram Suryanarayan, Esq.	rsury@gunninglafazia.com
Ralph J. Monaco, Esq.	rmonaco.c-l@snet.net
Randall L. Souza, Esq.	stationfirelitigation@nixonpeabody.com
Richard Gallone, Esq.	richard@briancunha.com
Robert P. Corrigan, Esq.	rpcorrigan@conversent.net
Robert T. Norton, Esq.	rnnorton@sloanewalsh.com
Robert I. Reardon, Esq.	reardonlaw@aol.com
Robert L. Reifenberg, Esq.	rreifenberg@clausen.com
Robert K. Taylor, Esq.	rkt@psh.com
Ronald J. Creamer, Esq.	resminilaw@yahoo.com
Ronald Langlois, Esq.	rlanglois@smithbrink.com
Ronald J. Resmini, Esq.	resminilaw@yahoo.com
Russell Bramley, Esq.	bramley@hbhllaw.net
S. Michael Levin, Esq.	mlevin@wszlaw.com
Scott Carroll, Esq.	scarroll@BMCattorneys.com

Scott J. Tucker, Esq.	stucker@ths-law.com
Stefanie DiMaio-Larivee, Esq.	singinglawyer@msn.com
Stephen T. Armato, Esq.	stationlitigation@cetcap.com
Stephen E. Breggia, Esq.	sbreggia@bbglaw.us
Stephen P. Fogerty, Esq.	fogerty@halloran-sage.com
Stephen J. MacGillivray, Esq.	smacgillivray@eapdlaw.com
Stephen M. Prignano, Esq.	sprignano@eapdlaw.com
Steven J. DeLuca, Esq.	sdeluca@morrisomahoney.com
Steven W. Kasten, Esq.	skasten@mwe.com
Steven A. Minicucci, Esq.	sminicucci@calvinolaw.com
Steven M. Richard, Esq.	stationfirelitigation@nixonpeabody.com
Steve Shaw	srev2@cox.net
Stewart Grossman, Esq.	sgrossman@lgllp.com
Susan S. Wettle, Esq.	swettle@fbtlaw.com
Suzanne O'Donoghue, Esq.	sodonoghue@hcc-law.com
T. Dos Urbanski, Esq.	stationlitigation@melicklaw.com
Thomas C. Angelone, Esq.	angelonelaw@aol.com
Thomas R. Bender, Esq.	stationfire@hansoncurran.com
Thomas G. Briody, Esq.	tbriodylaw@aol.com
Thomas J. Cronin, Esq.	tjc@ndgrb.com
Thomas W. Lyons, Esq.	tlyons@straussfactor.com
Timothy B. Hardwicke, Esq.	timothy.hardwicke@lm.com
Timothy R. Scannell, Esq.	tscannell@BMCattorneys.com
Timothy A. Williamson, Esq.	aminchillo@itwlaw.com
Tracy L. Poppe, Esq.	reardonlaw@aol.com
Tyler Jay Lory, Esq.	tlory@clausen.com
V. Edward Formisano, Esq.	edf@sfcaw.com
W. Thomas McGough, Jr., Esq.	tmcgough@reedsmith.com
William F. Burke, Esq.	wburke@apslaw.com
William M. Heffernan, Esq.	heffernanlaw@aol.com
William A. Filippo, Esq.	wfilippo@calvinolaw.com
William E. O'Gara, Esq.	wogara@pld-law.com
William P. Pistorius, Esq.	wpistorius@clausen.com

/s/ Max Wistow

/s/ John P. Barylick

Max Wistow, Esq. (#0330)

John P. Barylick, Esq. (#1907)

WISTOW & BARYLICK INCORPORATED

61 Weybosset Street

Providence, RI 02903

(401) 831-2700

(401) 272-9752 (fax)

Email: mw@wistbar.com

Email: jp@wistbar.com